Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference	)	MB Docket No. 18-119
	)	

To: The Commission

COMMENTS OF WSOU-FM

WSOU-FM, by Counsel, and pursuant to the *Notice of Proposed Rulemaking ("NPRM'), FCC 18-60 (released May 10, 2018)* submits these Comments in opposition to certain elements of the proposal to streamline the FCC's rules and procedures relating to interference caused by FM translators. Seton Hall University ("SHU") is the licensee of Radio Station WSOU-FM at South Orange, New Jersey. WSOU-FM provides service to the New York City radio market.

WSOU understands the motivation behind this rulemaking in light of the AM Revitalization efforts, but the FCC's efforts to revitalize the AM radio service should not concurrently degrade the FM radio service. If all the rules and policies proposed in this proceeding are adopted, significant deterioration of FM radio service will occur from coast to coast. Over the past few decades, broadcasters have witnessed a decline of the AM radio service due very much in part to an abundance of RF interference from multiple sources. The proposed rules and policies of *FCC 18-119* will result in a similar abundance of RF interference upon the FM band, but this time the wound will be self-inflected. As the

quality of FM reception declines due to inference from an over population of FM translators legally allowed to interfere with full power FM stations, the demise of FM radio service appears as inevitable as it is now for AM

While there may be situations where an FM translator is limited by its interference with a full power FM station beyond the 54 dBu contour of the full power FM station, a change to the rules would expose the full power FM station to further erosion of its audience. Terrestrial radio is already beleaguered by online music services, YouTube, satellite radio, and podcasts that have caused many people to migrate away from the FM radio band. Along with these new trends we have seen considerable sponsorship dollars move away from terrestrial broadcasting to online broadcasting and social media.

For example, listeners to National Public Radio stations are aging faster than the overall radio audience and listening less to the network's most popular radio programs according to data shared by the NPR Network. Though NPR is seeing some listening gains on digital platforms, particularly with podcasts, its broadcast audience has dropped. Average-quarter-hour listening during morning drive time dropped 11 percent from 2011 to 2015, and afternoon drive audience declined 6 percent. The only age bracket that increased during that time was the 65-plus audience. *See, Current, "Drop in younger listeners makes dent in NPR news audience," October 16, 2015.* About 50% of Americans now listen to online radio. *See, Radio & Internet News, wwwrainnews.com, March 11, 2016.*

WSOU believes that, to provide a level of administrative certainty to these types of proceedings, there should be a full-power station field strength value beyond which no complaint of actual or predicted interference will be considered actionable but that the 54

dBu value is not appropriate for this cutoff point. SHU has numerous regular listeners well beyond the WSOU 54 dBu contour. For example, within the last 24 months, WSOU has received donations from listeners residing in Warren, NJ, Randolph, NJ, Hohokus, NJ, Neshanic Station, NJ, Freehold, NJ, Clarksburg, NJ, Monroe Township, and Butler, NJ, all locations outside of WSOU's 54 dBu contour. In addition, WSOU has program underwriters in Rockaway, NJ, Asbury Park, NJ, Hawthrone, NJ, and Freehold, NJ who became station supporters due, in part, to their ability to listen to 89.5 FM over the air inside their businesses, which are located outside of our 54 dBu contour. WSOU's request logs demonstrate a number of people calling in to the station while in the process of listening to the station outside of the limits of our 54 dBu signal, including Yonkers, NY, Pompton Lakes, NJ, Dover, NJ, Denville, NJ, Mendham, NJ, Bridgewater, NJ, North Brunswick, NJ, and Middletown, NJ.

Further evidence of the regular station listeners beyond 89.5 FM's 54 dBu contour can be found in other forms of measurement. WSOU's social media analytics clearly indicate that the station has many area listeners outside of the 54 dBu, including Mahwah, NJ, Roxbury, NJ, Manville, NJ, Old Bridge, NJ, and Queens, NY. Finally, a number of WSOU on-air contest winners within the last 60 days indicated that they are able to listen to WSOU at their home addresses, which are located outside of WSOU's 54 dBu contour. These include the towns of Hopatcong, NJ, Asbury Park, NJ, Manville, NJ, Wantage, NJ, Jackson, NJ, Monroe, NJ, Old Bridge, NJ, Park Ridge, NJ, Pompton Plains, NJ, Wayne, NJ, Farmingdale, NJ, and Holmdel, NJ.

Given the significant number of regular listeners who access WSOU over the air from locations outside our 54 dBu contour, we believe that a lower value field strength

would be more appropriate than the 54 dBu as a cutoff for interference complaints. This is particular true when viewed from the lens of a study released by Edison Research in spring 2018 which showed that 92% of all AM/FM listening occurs over the air. Nielsen Audio has produced data showing similar results. Given that the vast major of FM listening in America is via over the air and that WSOU, like so many other full power FM stations, has a significant number of listeners outside of its 54 dBu contour, FCC policies must ensure that FM translator interference is not acceptable even beyond 54 dBu contour.

FM translator stations have always been licensed on a secondary basis, and they should continue to be licensed that way. FM translator stations should not be provided equal or near-equal status to full power FM radio stations as the regulatory obligations for an FM translator station license will remain much less burdensome than a full power FM radio station license. There must be reasonable limits. We cannot rob Peter to pay Paul but that is exactly what is proposed here as the efforts here to help the FM translator service will degrade the full power FM radio service.

In the NPRM the Commission states "we believe that it is necessary to consider how best to balance our enduring interest in maintaining the technical integrity of our FM services with our desire to promote greater certainty and stability for translator licensees." *See, NPRM at para. 27.* WSOU believes that such balancing should not include any geographical limit on where a full power FM station has listeners that live, work or drive, or where the full power FM station derives advertising or underwriting revenue. Therefore, the protected zone for full power FM radio stations must go beyond the 54 dBu contour.

This proceeding should focus on the heart of the complaint process. If the Commission were to adopt the more stringent and standardized content requirements for

a listener complaint as well as a minimum number of listener complaints that must support an interference complaint, then an adequate balance will have been achieved without the need for an unreasonable outer contour limit.

Since one of the goals in this proceeding is to provide more certainty and efficiency to FM translator interference proceedings, then a significant step in that direction would be for the FCC to create what it believes is a model interference complaint questionnaire to be used FM translator interference proceedings. Presently the FCC relies upon broadcasters to elicit such information and often those questionnaires vary widely from case to case. A standardized form would not only elicit exactly the type of information the FCC requires but it would also reduce the gamesmanship that accompanies these proceedings. The standardized form would need to be sworn to under the penalty of perjury, and possibly executed in the presence of a Notary to ensure the legitimacy of each complainant.

The use of a standardized form released by the FCC would also serve to show each listener complainant that their responses would definitely be scrutinized by a federal agency, and that their continued cooperation would be necessary. This would separate the genuine complainant who seriously wants these matters resolved from the casual complainant who may not really care but nonetheless loaned their name to the effort with no desire to follow up, if necessary.

Heading off a drawn-out and often expensive interference complaint proceeding is to the benefit of all involved parties, especially with regard to the scarce resources of the FCC. Costs to prosecute translator interference claims can result in thousands of dollars of legal and engineering fees. The use of a standardized complaint form would streamline

the process and reduce the overall expenses of all involved parties.

Finally, WSOU agrees with the aspect of the proposal that in response to an interference complaint an FM translator station should be allowed to modify anywhere on the FM dial and still be considered a minor change application. The routine acceptance of these types of displacement modification applications would certainly facilitate the resolution of many FM translator interference complaints.

New technologies and changing listener habits are challenging enough to traditional terrestrial broadcasting. Broadcasters do not need additional policies and actions that further contribute to the degradation of the FM radio service. A careful balance needs to be achieved. That is why WSOU urges the FCC to adopt rules that ensure the protected zone for full power FM radio stations extends well beyond the 54 dBu contour and that a standardize FM translator interference complaint form and procedure be established so that legitimate interference complaints are processed fairly for all parties involved.

Respectfully submitted,

WSOU-FM

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